

**Before the
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)	WC Docket No. 07-245
)	
Implementation of Section 224 of the Act;)	RM-11293
Amendment of the Commission's Rules and)	
Policies Governing Pole Attachments)	RM-11303
)	
)	

REPLY COMMENTS OF GEORGIA POWER COMPANY

Attorneys for Georgia Power Company

Joseph R. Lawhon
Benjamin A. Gastel
Troutman Sanders LLP
600 Peachtree St. NE
Atlanta, GA 30308

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REPLY COMMENTS OF GEORGIA POWER COMPANY

I. Introduction and Summary

Georgia Power Company ("Georgia Power") is an investor-owned utility that serves approximately 2.25 million customers in all but four of Georgia's 159 counties.¹ It is the largest of the four electric utilities that are owned by Southern Company.

During the Comment phase of the above-referenced Notice for Proposed Rulemaking ("NPRM"), Georgia Power joined in submitting comments with Alabama Power Company, Gulf Power Company and Mississippi Power Company.

Georgia Power is submitting an individual Reply in response to comments submitted by Comcast Corporation ("Comcast") that contain, in part, allegations regarding Georgia Power safety practices as well as incorrect statements relating to the funds that Georgia Power receives for make-ready work. More specifically, Comcast's comments include 10 photographs of poles in the State of Georgia that purport to demonstrate unsafe utility practices. In addition, Comcast's comments include an inaccurate number regarding the amount of funds Georgia Power has received in payment from third parties for make-ready work.

¹ For additional information regarding Georgia Power Company see <http://www.georgiapower.com>.

The information set forth in this Reply confirms that Georgia Power uses its best efforts to either meet or exceed the requirements of the National Electrical Safety Code (“NESC”). It should also be noted that Georgia Power’s training and safety practices are among the very best in the industry.

Ironically, Comcast’s attempts to demonstrate that utilities engage in unsafe practices demonstrates that there is often confusion regarding which attaching entity is responsible for a particular safety violation. To address this issue the Commission should take the position that in the event of a safety violation that cannot be conclusively attributed to an attaching entity, a utility should have the right to correct the safety violation and recover prorated cost from all impacted parties.

Finally, payment that Georgia Power receives for mandatory attachments make-ready work is the bare minimum amount necessary to recover direct cost. Such payments do not include Georgia Power’s indirect cost. Any suggestion on the part of Comcast that Georgia Power is being enriched through the make-ready process is inaccurate and displays a lack of comprehension regarding Georgia Power’s make-ready process.

II. Comcast’s Comments Regarding Utility Safety Practices

Comcast’s comments attempt to make the argument that “[t]he premise that *attachers* are the chief source of unsafe pole attachment practices that are placing the electric system at risk is incorrect.”² To support its position, Comcast has included 41 photographs in its comments that purportedly demonstrate instances of pole owners engaging in unsafe practices.³ Of the 41

² Comment, Comcast Corporation, WC Docket No. 07-245, Ex. 3 Pg. 1 (filed March 7, 2008) (“Comcast Comment”).

³ *Id.* at Ex. 3.

photographs 10 are photographs of poles within the State of Georgia.⁴

Due to Comcast's failure to provide adequate addresses of pole locations, Georgia Power has only been able to confirm that six of the poles photographed in Georgia are in fact owned by Georgia Power.⁵ Of the six Georgia Power poles it appears that safety violations on four of the poles were caused by city and ILEC attachments.⁶ The safety violation on one pole was due to Comcast's failure to give notice to Georgia Power that there was inadequate space for the Comcast attachment.⁷ It is unclear which parties were responsible for safety violations on the remaining pole.⁸

Contrary to the point Comcast is attempting to make the photographs of Georgia Power's poles indicate that there would be no safety violations in the absence of cable and communication attachments. Comcast alleges, without supporting evidence, that Georgia Power or some other third party created most of the problems by adding additional attachments or equipment.⁹ In fact, it is problematic to conclusively establish the order in which attachments have been affixed to a pole. Attempting to resolve the order of attachments for the purpose of determining responsibility for safety violations almost always results in a finger pointing contest.

Comcast's allegations also bring into question the seriousness of Comcast's concerns for safety issues. Clearly Comcast was aware of suspected safety violations on Georgia Power's poles yet Comcast elected to keep the information confidential until it could be used in comments to the Commission. It also appears that Comcast's photographic evidence is self

⁴ *Id.* at Ex. 3 Att. 1, Photographs 27-32, 34-37.

⁵ *See* Declaration of Candler J. Ginn, ¶ 7, attached as Exhibit 1 ("Ginn Decl.").

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *See* Comments, Comcast Corporation, Ex. 3 beginning at Photograph 31.

incriminating. Comcast had full knowledge of NESC violations yet nevertheless allowed its attachments to continue in a potentially dangerous environment.

In contrast to Comcast, as soon as Georgia Power learned of the allegations of unsafe poles it charged Georgia Power employees with identifying and correcting any safety problems.¹⁰

The Commission should also take note of the fact that the overwhelming majority of safety violations can be avoided if all attaching entities submit applications for attachments to pole owners.¹¹ Such an approach allows pole owners to undertake the appropriate make-ready work and to perform post-construction inspections to insure compliance with the NESC and applicable Georgia Power specifications.

III. The Correction of Safety Violations of Unknown Origin Should Be The Responsibility of All Attaching Entities

As Comcast's photographs demonstrate, virtually all safety violations result from too many attaching entities attempting to affix attachments in a confined area.¹² Such conditions result in the chicken and the egg syndrome regarding the identity of the last attaching party that in most instances is responsible for the problem. Historically, pole owners have been forced to bear the cost of correcting safety violations because of the inability to establish the order in which attachments have been affixed to a pole. Such a situation is unfair to the utility customers that must bear the responsibility of repair cost that most likely was not the fault of the utility. To correct this problem, Georgia Power urges the Commission to adopt a policy that when it is unclear which party has caused a safety violation that all impacted parties be responsible for a proportional share of the repair cost.

¹⁰ Ex. 1, Ginn Decl. ¶ 7.

¹¹ *Id.* at ¶ 6.

¹² See Comcast Comment, Ex. 3 Att. 1 Photographs 1-41.

IV. Georgia Power Safety Practices and Training

In order to clearly dispel any notions that Georgia Power engages in unsafe practices the Commission should be aware of the extraordinary efforts Georgia Power takes to ensure that its poles meet the most rigid safety standards.

While many cable service providers view the NESC as sufficient safety standards, Georgia Power adheres not only to the NESC but also the more demanding Southern Company Overhead Distribution Standards.¹³ In Georgia Power's opinion, the NESC should be viewed as a basic standard that should be augmented by reasonable additional safety standards that are necessary to address the unique requirements of each utility.

Since system reliability and safety are of paramount importance, Georgia Power has in place training programs to insure that its engineers and linemen receive in-depth instruction in the performance of their duties.¹⁴ For example, such training includes but is not limited to comprehensive instruction relating to relations between the various classes of lines and equipment, clearances, selecting pole heights, selecting pole classes, calculating guying requirements and determining anchor locations.¹⁵

Any allegation that Georgia Power carelessly engages in unsafe practices must be discounted as a distortion of the facts.

V. Comcast's Statements Regarding Payments Received By Georgia Power For Make-Ready Work

In its comments to the Commission, Comcast states that Georgia Power, among other utilities, is receiving additional benefits from mandatory attaching entities in the form of

¹³ Declaration of Keith L. Reese, ¶ 4, attached as Exhibit 2.

¹⁴ See Declaration of S. Scott Johnson, ¶¶ 4-5, attached as Exhibit 3.

¹⁵ See *id.*

payments for make-ready work. As support for its position, Comcast states that Georgia Power “received \$2.25 million for make-ready in 2007 alone.”¹⁶

The figure of \$2.25 million as quoted by Comcast as being Georgia Power’s receipt for make-ready work in 2007 is incorrect. Comcast erroneously deduced this amount from a presentation by a Georgia Power official at a January 2008 United Telecom conference.¹⁷ The sum of \$2.25 million was the amount Georgia Power actually spent on make-ready work and was not the amount paid by attaching entities.¹⁸ In fact, Georgia Power only collected approximately \$1.8 million for make-ready work in the calendar year 2007.¹⁹ The difference in the amount spent and the amount collected is explained by the fact that Georgia Power only invoices for actual direct make-ready cost. Indirect make-ready costs are omitted from invoices notwithstanding the fact that such costs are incurred by Georgia Power.²⁰

It should also be noted that Georgia Power does not benefit to any appreciable degree from make-ready work required by third party attachments. With the exception of new poles placed in order to expand capacity, Georgia Power does not improve its system reliability or ability to expand its attachments due to make-ready work. In fact, make-ready work that does not involve a pole replacement actually reduces the ability of Georgia Power to expand its attachments due to the additional space being occupied by the new attaching entity. Finally, there are relatively few poles that are changed out to accommodate the space required for

¹⁶ Comcast Comments, fn. 63, Ex. 1 fn. 65, Ex. 2 fn. 24.

¹⁷ *Id.*

¹⁸ Ex. 1, Ginn Decl. ¶ 4; Declaration of Allen F. Bell, ¶ 3, attached as Exhibit 4.

¹⁹ Ex. 1, Ginn Decl. ¶ 4.

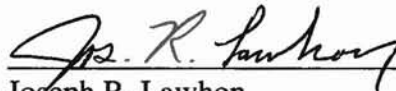
²⁰ *Id.*

mandatory attachments.²¹ To state that Georgia Power is greatly benefiting from make-ready work is an inaccurate statement.

VI. Conclusion

For the reasons set forth in this Reply, Georgia Power categorically denies that it engages in prevalent unsafe practices. Georgia Power also urges the Commission to adopt a policy that all impacted parties should share in the cost of correcting safety violations that cannot be attributed to any attaching entity. Finally, Georgia Power does not receive any significant benefit from make-ready work performed on behalf of parties with mandatory attachment rights.

Respectfully submitted,



Joseph R. Lawhon
Benjamin A. Gastel
Troutman Sanders LLP
600 Peachtree St. NE
Atlanta, GA 30308

Counsel for Georgia Power Company

²¹ *Id.* at ¶ 5.

EXHIBIT 1

Declaration of Candler Ginn

**Before the
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Washington, DC 20554**

In the Matter of)	WC Docket No. 07-245
)	
)	RM-11293
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)	

DECLARATION OF CANDLER J. GINN

1. My name is Candler J. Ginn. I am the Distribution Resources and Service Project Manager of Georgia Power Company ("Georgia Power"), a wholly owned subsidiary of Southern Company. My business address is 829 Jefferson Street, Atlanta, Georgia 30318. I am over 18 years of age and have personal knowledge of all matters set forth herein.

2. My declaration addresses specific issues regarding make-ready work and certain safety and reliability issues of the distribution systems owned by Georgia Power. I offer this testimony in support of the reply comments filed by Georgia Power and the Operating Companies (Alabama Power Company, Georgia Power Company, Gulf Power Company, and Mississippi Power Company) in response to initial comments filed pursuant to the FCC's Pole Attachment Notice of Proposed Rulemaking, WC Docket 07-245.

3. As part of my duties as Distribution Resources and Service Project Manager, I manage the make-ready process for attachments on Georgia Power facilities. Through my role as Distribution Resources and Service Project Manager, I have personal knowledge about Georgia Power's cost associated with make-ready work. I have been employed in this position for 4.5 years.

4. Georgia Power spent approximately \$2.25 million on make-ready work for 2007. Georgia Power collected approximately \$1.8 million for make-ready work in calendar year 2007

from the numerous parties, including but not limited to Comcast, that attach to its poles. The difference in the amount spent and the amount collected derives from the fact that Georgia Power only invoices for actual direct make-ready cost. Indirect make-ready costs are omitted from invoices notwithstanding the fact that such costs are incurred by Georgia Power.

5. Georgia Power does not receive material benefits from make-ready work required by third party attachments. With the exception of new poles placed in order to expand capacity, Georgia Power does not improve its system reliability or ability to expand its attachments due to make-ready work. In-fact, when make-ready work does not involve a pole replacement, the additional space being occupied by the new attaching entity reduces the ability of Georgia Power to expand its attachments. Furthermore, there are relatively few poles that are changed out to accommodate the space required for mandatory attachments.

6. Through my role as Distribution Resources and Service Project Manager, I also have personal knowledge about safety violations on Georgia Power poles. The majority of safety violations on Georgia Power poles result from attachments being added to poles resulting in a failure to meet applicable spacing requirements. Often, attaching entities deny any responsibility for a safety violation. To determine who is responsible for these safety violations is expensive and time consuming for Georgia Power. Therefore, Georgia Power does not normally make an in-depth effort to analyze the history of an impacted pole and chooses instead to correct the safety violations. Georgia Power spends a substantial amount of money and time to correct safety violations regardless of the responsible party. The majority of safety violations can be avoided if all attaching entities submit applications for attachments to Georgia Power, which will allow Georgia Power to undertake the appropriate make-ready work and to perform post-construction inspections to ensure that attachments are made pursuant to the relevant safety requirements.

7. As soon as Georgia Power learned of the allegations of unsafe poles set forth in the initial Comments filed by Comcast Corporation ("Comcast") in the above styled proceeding, Georgia Power employees began an investigation to identify the poles and were charged with correcting any safety problems. Because Comcast did not provide adequate addresses of pole locations where alleged safety violations were occurring, Georgia Power was only able to confirm that six of the poles photographed in Georgia are in fact owned by Georgia Power. Of the six Georgia Power poles it appears that safety violations on four of the poles were caused by city and ILEC attachments. The safety violation on one pole was due to Comcast's failure to give notice to Georgia Power that there was inadequate space for the Comcast attachment. After investigation, it remains unclear which parties were responsible for safety violations on the remaining pole.

I declare under penalty of perjury that the statements contained in this Declaration are true and correct.

Executed on April 15, 2008.



Candler J. Ginn

EXHIBIT 2

Declaration of Keith L. Reese

**Before the
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)	

DECLARATION OF KEITH L. REESE, P.E.

1. My name is Keith L. Reese. I am a Principal Engineer for Georgia Power Company ("Georgia Power") and a Professional Engineer licensed in the State of Georgia. My business address is 241 Ralph McGill Boulevard NE, Atlanta, Georgia. I am over 18 years of age and this declaration is based on my personal and professional knowledge, as well as knowledge available to me in my capacity as Principal Engineer for Georgia Power Company.

2. I have been employed by Georgia Power as Principal Engineer for four years, and have been with the company for a total of over twenty-eight years. I am responsible for Georgia Power's overhead distribution designs and specifications, NESC compliance, and I assist with engineer training. Georgia Power is an operating subsidiary of Southern Company. I am a member of Southern Company's Overhead Distribution Design Committee, Engineering Workstation Committee, and NESC / Arc Flash Committee. I also am a member of the following industry committees: Southeastern Electric Exchange NESC Committee (Chair of Grounding Subcommittee); Southeastern Electric Exchange Overhead Distribution Committee; IEEE NESC C2 Subcommittee 4 (Overhead Lines, Clearances); IEEE NESC C2 Subcommittee 2 (Grounding – Principal Member).

3. My declaration addresses specific issues regarding engineering standards, and the safety and reliability of the distribution systems owned by Georgia Power. I offer this testimony

in support of the reply comments filed by Georgia Power and the Operating Companies (Alabama Power Company, Georgia Power Company, Gulf Power Company, and Mississippi Power Company) in response to initial comments filed pursuant to the FCC's Pole Attachment Notice of Proposed Rulemaking, WC Docket 07-245.

4. It is Georgia Power's policy to not only adhere to NESC requirements but also to adhere to the Southern Company Overhead Distribution Standards ("Southern Standards"). Georgia Power believes the NESC should be viewed as a basic standard that should be augmented by reasonable additional safety standards that are necessary to address the unique requirements of each utility. Therefore, Southern Standards are in many respects more demanding than the requirements imposed by the NESC requirements.


5. Georgia Power has numerous wood poles and general purpose street light poles throughout its pole plant network. Wood poles are designed for general purpose use and can accommodate various attachments without significant engineering or structural overhaul. On the other hand, street light poles are designed for the sole purpose of serving as a platform for street lights and are not specifically designed or engineered to accommodate attachments.

6. Georgia Power is frequently approached by home-owner associations and developers who wish to install specialized street lights that are more in comportment with a neighborhood's architectural scheme. These home-owner associations and developers often are willing to pay Georgia Power a premium to install these types of street lights.

7. Georgia Power does not believe that the OSHA Regulations addressing RF emissions are sufficiently comprehensive to ensure the safety and reliability of Georgia Power's distribution and transmission network. The Federal Communication Commission's Regulations do adequately address RF emissions.

I declare under penalty of perjury that the statements contained in this Declaration are true and correct.

Executed on April 15, 2008.



Keith L. Reese, P.E.

EXHIBIT 3

Declaration of S. Scott Johnson

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DECLARATION OF S. SCOTT JOHNSON

1. My name is S. Scott Johnson. I am the Training Supervisor in the Distribution Training Department of Georgia Power Company ("Georgia Power"), a wholly owned subsidiary of Southern Company. My business address is 4826 Klondike Road Lithonia, Georgia 30038. I am over 18 years of age and have personal knowledge of all matters set forth herein.

2. I have been employed as the Training Supervisor in the Distribution Training Department for 5 years. My declaration addresses specific training programs of Georgia Power Company. I offer this testimony in support of the reply comments filed by Georgia Power in response to initial comments filed pursuant to the FCC's Pole Attachment Notice of Proposed Rulemaking, WC Docket 07-245.

3. As part of my duties as Training Supervisor, I oversee the training programs for Georgia Power engineers and linemen that maintain Georgia Power's pole plant. Through my role as Training Supervisor, I have personal knowledge about Georgia Power's training programs used to educate Georgia Power engineers and linemen on safety issues associated with the performance of their duties.

4. Georgia Power's training programs include, but are not limited to, comprehensive instruction relating to relations between the various classes of lines and equipment, clearances,

selecting pole heights, selecting pole classes, calculating guying requirements and determining anchor locations.

5. Specifically, engineers are required to take a Basic Design Course which addresses how to determine pole height and class and how to calculate guying requirements and determine anchor locations. In addition to this course, Georgia Power requires its engineers to attend a four day course on the NESC which addresses: 1) grounding methods for electric supply and communication facilities; 2) purpose, scope and application of NESC rules; 3) general requirements of the NESC; 4) relations between various classes of lines and equipment; 5) clearance requirements; 6) general requirements applying to underground lines; 7) underground conduit systems; 8) supply cables; 9) cable in underground structures; 10) directburied cable; 11) risers; 12) supply cable terminations; and 13) equipment. New Linemen are required to attend the Linemen Development Program which addresses Georgia Power's specifications for attachments to our poles, installation of guys and pole class. In addition to this Program, Linemen attend a two day NESC course that covers in less depth the concepts taught to engineers.

6. Georgia Power's training programs are designed to be among the best in the industry.

I declare under penalty of perjury that the statements contained in this Declaration are true and correct.

Executed on April 15, 2008.


S. Scott Johnson

EXHIBIT 4

Declaration of Allen F. Bell

**Before the
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DECLARATION OF ALLEN F. BELL

1. My name is Allen F. Bell. I am the Distribution Support Manager for Georgia Power Company ("Georgia Power"), a wholly owned subsidiary of Southern Company. My business address is 241 Ralph McGill Boulevard NE, Atlanta, GA 30308. I am over 18 years of age and have personal knowledge of all matters set forth herein.

2. I have been employed in my current position for 3 years. My declaration addresses specific allegations made by Comcast Corporation ("Comcast") in their initial comments offered in the above styled proceeding. I offer this testimony in support of the reply comments filed by Georgia Power in the FCC's Pole Attachment Notice of Proposed Rulemaking, WC Docket 07-245.

3. Comcast alleged that Georgia Power received \$2.25 million in make-ready work in 2007. Comcast erroneously deduced this amount from a presentation I made in January 2008 at a United Telecom Council conference. The sum of \$2.25 million was the amount Georgia Power actually spent on make-ready work and was not the amount paid by attaching entities.

I declare under penalty of perjury that the statements contained in this Declaration are true and correct.

Executed on April 15, 2008.

A handwritten signature in cursive script that reads "Allen F. Bell". The signature is written in dark ink and is positioned above a horizontal line.

Allen F. Bell